

EXHIBIT 9

DECLARATION OF JOSH LEMKE

I, Josh Lemke hereby declare as follows:

1. I have personal knowledge of the facts contained in this Declaration, and that they are true to the best of my knowledge and belief. I am over 18 years old and competent to testify to the following.

2. I farm land in and around Dahlgren, Illinois.

3. I first purchased what I believed to be Nutriplant™ products from Yield Nation through Benjamin Buckwalter in November of 2019. I had not had any experience with Nutriplant™, Buckwalter, or Yield Nation before that time.

4. I believed those products were Nutriplant™ products because that was how Mr. Buckwalter represented them to me on behalf of Yield Nation. Mr. Buckwalter cold-called me and told me he heard about me through another farmer in the area. He was offering to sell me Nutriplant™ AG foliar treatment (a spray fertilizer) and Nutriplant™ SD seed treatment, which helps seeds flow through a planter while adding some nutrients.

5. Mr. Buckwalter gave me several pieces of literature as part of his sales pitch. One was a Yield Nation brochure that touted the benefits of Nutriplant™ AG foliar treatment. True and correct photographs of the pages discussing Nutriplant™ AG in the brochure Mr. Buckwalter gave me are attached as **Exhibit A**.

6. Mr. Buckwalter also gave me the results of irrigated soybean trials using Nutriplant™ AG foliar spray from the University of Illinois at Urbana-Champaign. That report showed the resulting yields of soybeans using Nutriplant™ AG foliar spray. True and correct photographs of the soybean trials report that Mr. Buckwalter gave me are attached as **Exhibit B**.

7. Mr. Buckwalter also gave me the name of a local farmer he had previously sold Nutriplant™ products to. I called that farmer, who told me that he had purchased the Nutriplant™ AG foliar spray from Yield Nation in the past. He was happy with the results, and said he would be purchasing the product again.

8. In light of Mr. Buckwalter's representations to me, my conversations with other farmers, and the brochure and literature Mr. Buckwalter gave me, I agreed to purchase a single 30-gallon drum of the Nutriplant™ AG foliar spray and 25 pounds of the Nutriplant™ SD seed treatment from Yield Nation.

9. The invoice Mr. Buckwalter sent me confirmed that I was purchasing Nutriplant™ products. It has photographs of Nutriplant™ AG foliar treatment and Nutriplant™ SD seed treatment on it. A true and correct copy of the invoice I received for my purchase from Yield Nation is attached as **Exhibit C**.

10. The products were supposed to arrive in in January 2020, as I intended to use the foliar spray on my winter wheat. When the product did not arrive, I called Mr. Buckwalter to ask him about it. He then visited in or around January 2020 and personally delivered to me a 5-gallon drum of Nutriplant™ AG foliar spray, free of charge. My full order did not arrive until the end of April.

11. The Nutriplant™ AG foliar spray that Mr. Buckwalter dropped off in person in or around January performed as I expected it to. It was easy to apply and did not cause me any problems.

12. I cannot say the same for the 30-gallon drum of foliar spray I purchased. I received a clear, white drum, not a blue drum as shown on the invoice Mr. Buckwalter had given me. And the spray itself looked nothing like the five gallons of Nutriplant™ AG foliar spray that

Mr. Buckwalter gave me in January. I could see through the 30-gallon drum that the spray was separated into layers, with heavier particles and liquid on the bottom and lighter liquid on top. When I attempted to use the spray in May 2020, it would not mix. No matter how much I agitated the foliar spray, it would almost immediately settle out into separate layers.

13. The labelling on the barrel of foliar spray I received from Yield Nation was completely different from the barrel shown on the invoice and the bucket of Nutriplant™ AG foliar spray Mr. Buckwalter had previously delivered to me. A true and correct photograph of the label on the barrel of foliar spray I received is attached as **Exhibit D**.

14. The seed treatment also had issues. I received two buckets of seed treatment. One bucket is round, with Nutriplant™ labelling. The other is square, with Yield Nation labelling. When I opened the Yield Nation bucket, I immediately saw that it was far too abrasive to use in my planter, so I did not use it. A true and correct photograph of the two buckets of seed treatment I received are attached as **Exhibit E**.

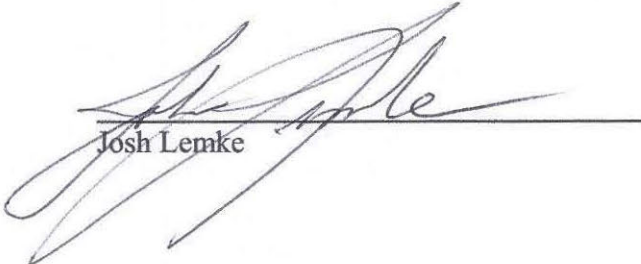
15. I believed that what Yield Nation had sold to me in the Yield Nation packaging was still Nutriplant™ product as represented to me, which caused me to have a very negative impression of Nutriplant™.

16. I was eventually able to confirm with the local farmer I had spoken with that he had similar issues with the product he received from Yield Nation in 2020, and did not believe the product was the same as what he received from Yield Nation in 2019. Mr. Buckwalter had used his prior sales of Nutriplant™ to others and his literature touting the Nutriplant™ products to convince me to purchase Nutriplant™ products from Yield Nation, though he ultimately delivered different products to me from Yield Nation.

17. I now understand that the product in the Yield Nation packaging that was delivered to me was not Nutriplant™ product. Had I not learned this, I would not have considered purchasing Nutriplant™ product again based on my experience with Yield Nation.

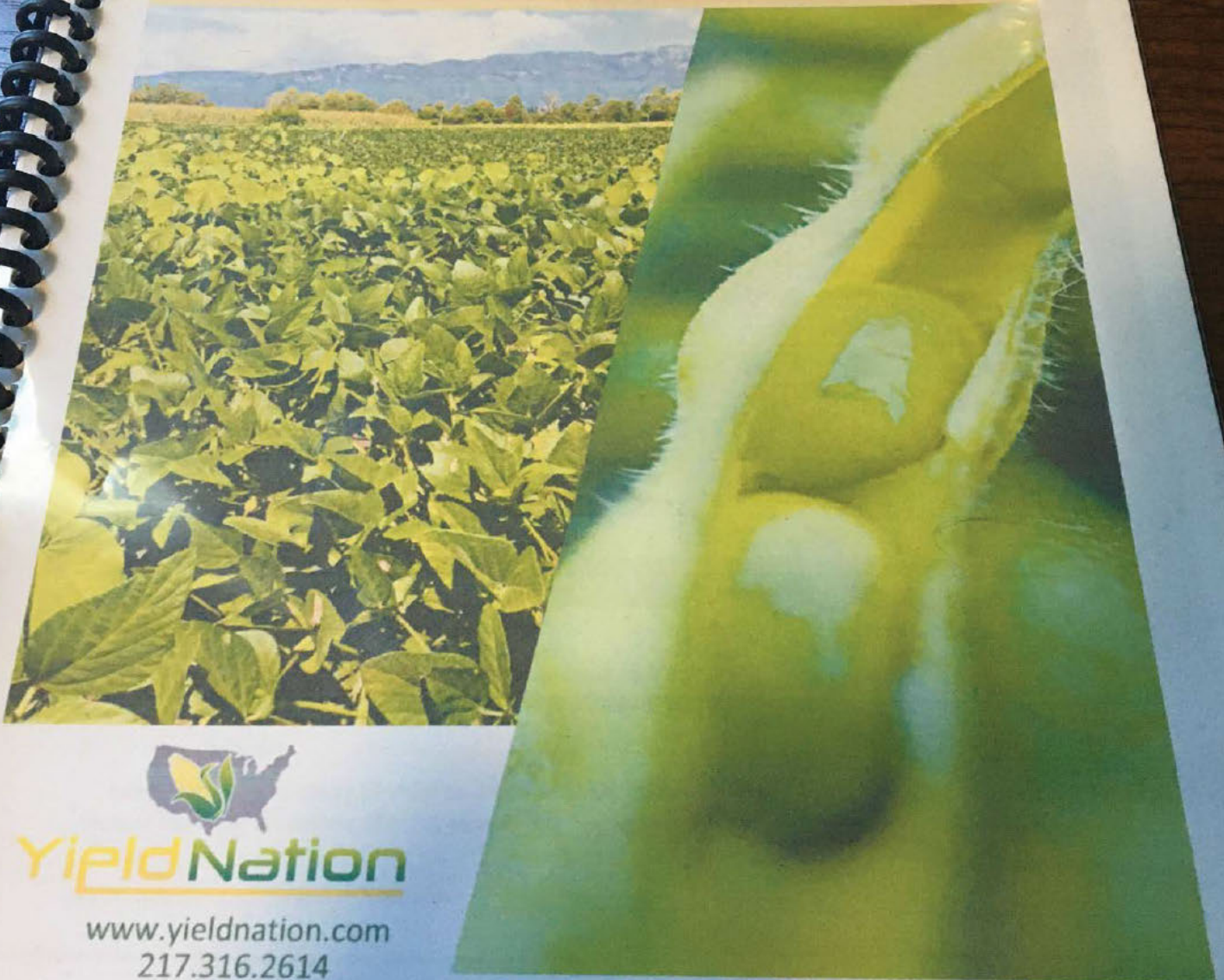
I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 17, 2021


Josh Lemke

AGRICULTURAL

solutions



YieldNation
www.yieldnation.com
217.316.2614

Optimizing Crop Quality, Yield, and Profit. Naturally.

Exhibit

A

TABLE OF CONTENTS

NUTRIPLANT® AG Pages 1 - 5

GIVES YOUR CROP THE BOOST IT NEEDS TO STAY STRONG

Nutriplant® AG is for critical stages of growth where demand for nutrients is at its highest.

Increased resistance to abiotic stresses like:

HIGH HEAT
COLD TEMPERATURES
DROUGHT

NUTRIPLANT® SD & SL Pages 6 - 10

GIVES YOUR SEEDS A BETTER CHANCE FROM THE START

Nutriplant SD & SL is applied to the seeds at the beginning to give them the head start they need.

INCREASES ROOT DEPTH

Improves nutrient absorption

Crops emerge faster

Stems grow stronger

Roots develop deeper

Technology Growers Trust

As a progressive grower, you need more than sustainable results. You need the highest crop quality and yield, with the best return on investment and no wasted time or money. You need predictability—outcomes you can rely on.

Yield Nation's crop solutions deliver results. Backed by more than 40 years of innovation and uncompromising quality, our products, processes, and people get real results for growers around the globe.



217.316.2614

grow@yieldnation.com

www.yieldnation.com

Nutriplant® AG

Foliar Nutritional Supplement

Nutriplant® AG is a foliar nutritional supplement to enhance crop growth. The genetic potential for a crop is rarely reached due to stresses encountered during the growing season. Plants are more vulnerable and use more nutrients at particular stages of development.

Nutriplant® AG is designed to be applied at these particular stages of crop development, to strengthen the plant against everyday environmental stress, leading to better yields and improved quality.

Nutriplant® AG contains nitrogen, phosphorus, potassium, sulfur, boron, cobalt, copper, iron, manganese, molybdenum and zinc. Nitrogen and boron are essential for bud vigor and fruit set. Nitrogen and zinc are needed for fruit size. Phosphorus hastens maturity and improves quality, while potassium improves color and increases cold hardness. Sulfur is needed for flavor and protein synthesis. Cobalt increases resistance to stress, and copper contributes to color and flavor development. Iron promotes flowering and fruit set. Manganese aids in sugar metabolism, and molybdenum is involved in transport of phosphorus, a very important element in energy transport and storage.

The synergism of all of these elements makes Nutriplant® AG effective.

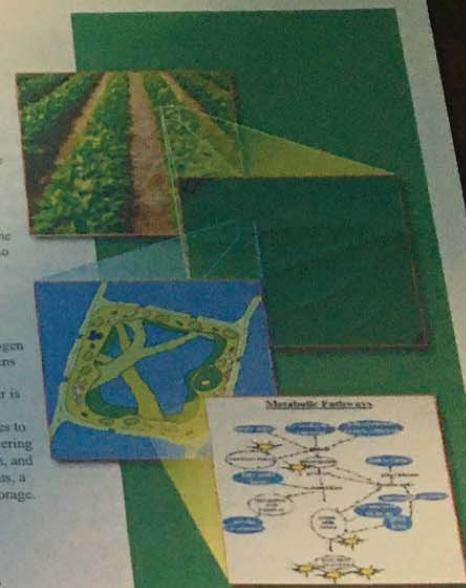
Nutriplant® AG is intended as a supplement to a regular fertilizer program, and will not by itself provide all of the nutrients normally required by plants.

Benefits Reported by Farmers:

32 gal drum

- Increased resistance to stress
- Improved quality
- Increased yields
- Earlier maturity

- ▶ Easy to apply
- ▶ Cost-effective



Average yield increase is 15%

Tested for 27 years in over 2,000 trials

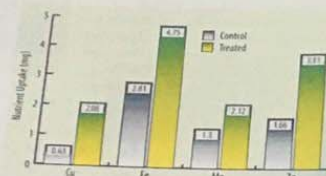
Nutriplant® AGNATURAL BIOSIMULANT +
FULLY CHELATED MICRO-
PACKAGE**WHAT SEPARATES US FROM THE CROWD?**

Nutriplant AG is a liquid concentrate obtained through organic chelation using a unique, proprietary technology. It enhances crop production through **improvement of photosynthetic activity, increased chlorophyll concentration in the tissue, and increased nutrient uptake through the root system.** The genetic potential of a crop is rarely achieved due to the abiotic stress such as heat, cold, drought, and excessive UV radiation encountered during the growing season. Abiotic stress disrupts the metabolism of the plant and reduces nutrient absorption and translocation. When nutrients are limited during crucial stages of plant development such as flowering, fruit set, and fruit maturation the yields and crop quality can be dramatically reduced. Through its antioxidant activity, biostimulant properties, and full spectrum macro/micro analysis, Nutriplant® AG, reduces the impact of abiotic stress leading to better yields and improved quality of crops.

Nutriplant® AG Increases Nutrient Uptake Through Roots

Plants treated with Nutriplant® AG absorbed **230%** more copper (Cu), **69%** more iron (Fe), **63%** more manganese (Mn) and **130%** more zinc (Zn).

Model plant: Corn
Source: Cytosync Laboratories Inc., USA

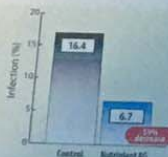
**WHAT DOES THIS MEAN TO YOU?**

Significant utilization of current soil-based nutrients helps you maximize your soil fertility investment.

Nutriplant® AG Reduces the Severity of Plant Disease

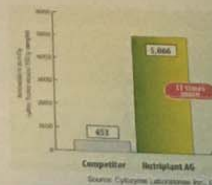
Nutriplant® AG reduced the severity of *Fusarium* stalk rot infection in corn by **59%**.

Source: Cytosync Laboratories Inc., USA

**WHAT DOES THIS MEAN TO YOU?**

Aids in overall plant health while decreasing the stress from certain diseases which equal you seeing a positive yield response.

2

Nutriplant® AG Has High Antioxidant Activity

Plants treated with Nutriplant® AG have **11 times** higher antioxidant activity than competitor products.

WHAT DOES THIS MEAN TO YOU?

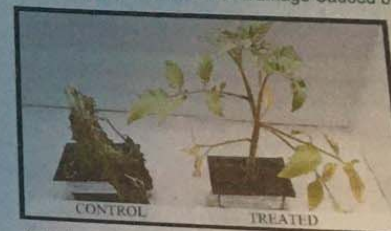
High antioxidant activity in Nutriplant AG protects plants from damage caused by free radicals.

Nutriplant® AG Reduces Damage Caused by High Temperatures

Model plant: Tomato
Treatment: 2 applications, then exposed to 116° F (47° C) heat for 2 hours
Source: Cytosync Laboratories, Inc., USA



CONTROL TREATED
Nutriplant® AG increased plant resistance to high temperatures

Nutriplant® AG Reduces Damage Caused by Low Temperatures

Model plant: Tomato
Treatment: 2 applications, then exposed to 23° F (-5° C) for 2 hours
Source: Cytosync Laboratories, Inc., USA

CONTROL TREATED
Nutriplant® AG increased plant resistance to low temperatures

Nutriplant® AG Increases Photosynthesis

Crop	Photosynthesis CO ₂ Fixation (% over control)	Yield (% over control)
Cotton	15%	22%
Rice	17%	16%
Tea	15%	8%

Nutriplant AG increased photosynthesis by an average of **16%**

Source: Cotton and rice data from the University of Arkansas, USA
Tea data from the ICRISAT Tea Research Foundation, India

NUTRIPLANT® Seed Treatment

Economic Benefit of Nutriplant® SD Applied to Seeds

Crop	Crop Yield Increase/acre	Economic Benefit Net profit/acre	Yield Increase
Corn	5.6 bu/acre	\$18.05/acre	3.1%
Soybean	2.9 bu/acre	\$21.27/acre	5.4%
Pinto Beans	195 lb/acre	\$66.90/acre	10.3%
Sugar Beets	3.0 ton/acre	\$136.61/acre	14.0%
Sunflower	147 lb/acre	\$21.81/acre	7.3%
Winter Wheat Dryland	6.8 bu/acre	\$26.42/acre	36.6%
Winter Wheat Irrigated	4.6 bu/acre	\$16.44/acre	6.5%

*Trials Conducted 1998-2015. Calculations based on crop prices in 2016

Economic Benefit of Nutriplant® SL Applied to Seeds & In-Furrow

Crop	Crop Yield Increase/acre	Economic Benefit Net profit/acre	Yield Increase
Corn	13 bu/acre	\$30.93/acre	7.5%
	9 bu/acre	\$30.06/acre	6.1%
Soybeans	6.3 bu/acre	\$49.73/acre	11.0%
	1.8 bu/acre	\$13.53/acre	2.7%
Sugar Beets	3.5 ton/acre	\$155.71/acre	11.3%
	5.47 ton/acre	\$251.51/acre	24.6%

*Trials Conducted 2005-2015. Calculations based on crop prices in 2016

Methods of Application:

Apply Nutriplant® Seed Treatment to the seeds before planting. Application should be made in such a way that all seeds are thoroughly coated.

Nutriplant® SD can be applied right in the planter box. Fill each box about half full of seed. Apply half of the recommended rate of Nutriplant® SD and mix thoroughly. Add the rest of the seed and the rest of the Nutriplant® SD and mix again. Properly treated seed will have a fine coating of powder.

Apply Nutriplant® SL using commercial equipment. Apply as a fine mist to obtain a uniform coating. Dilute only as necessary for uniform application. Mix seeds until dry and do not stick. Keep seed dry until planting. Plant seeds as usual.

Compatibility:

Nutriplant® Seed Treatment is compatible with most seed treatments including inoculums, fungicides and insecticides. It can also be used on pelleted seed.

Recommended Nutriplant® Seed Treatment application rates for selected crops:

CROP	NUTRIPLANT® SD (Per 100 lb of seed)	NUTRIPLANT® SL (Per 100 lb of seed)
Corn*	8 oz	4 fl oz
Soybeans	4 oz	2 fl oz
Wheat	3.5 oz	2 fl oz
Barley, Oats, Rye	3.5 oz	2 fl oz
Milo, Sorghum	10 oz	5 fl oz
Cotton	12 oz	6 fl oz
Potatoes	16 oz	8 fl oz per ton of seed

*Corn seed is sold in bags of 30,000 kernels, which weight an average of 50 lb and plant 2.5 acres at 32,000 seeds/acre.



IRRIGATED SOYBEAN TRIALS

FARMER'S PRECISION PLANTER PLANTING DATE: 5/21/2017

HARVEST DATE: 10/15/2017

FIELD:
 VARIETY:
 POPULATION:
 DETOXIFIER:
DMI STRIP-TILL:
 INOCULANT:
THROUGH REINKE
SPRINKLER:

B NE 1/4

S24-K2

180K

OVERHAUL @ 2 qts./ac.

(Analysis) 9.6 - 17 - 35 applied 10 gal./ac. @ 4" and 13 gal./ac. @ 10"

MICROSURGE DRY

28 - 0 - 0 - 5 @ 2 gal./ac.

28 - 0 - 0 - 5 @ 2 gal./ac.

28 - 0 - 0 - 5 @ 2 gal./ac.

28 - 0 - 0 - 5 @ 6 gal./ac.

28 - 0 - 0 - 5 @ 4 gal./ac.

28 - 0 - 0 - 5 @ 4 gal./ac.

APPLICATION DATE

3/17/2017

4/5/2017

5/23/2017

6/15/2017

6/20/2017

6/28/2017

7/12/2017

7/22/2017

7/25/2017

APPLIED WATER:

12.25 inches

RAINFALL: 12.56 inches

Rainfall by month: May = .37", June = 2.74", July = 4.3", August = 2.58", September = 2.07", October = .5"

GROUND SPRAY APPLICATIONS:

BOUNDARY 6.5 EC @ 1.5 pt./ac. + ROUNDUP WEATHERMAX @ 32 oz./ac. +

NIS @ 1 qt./100 gal. + AMS @ 1 qt./100 gal.

5/24/2017

SEQUENCE @ 2.5 qt./ac. + FUSILADE DX @ 6 oz./ac. +

ROUNDUP WEATHERMAX @ 32 oz./ac. + AMS @ 1 qt./100 gal. +

NIS @ 1 qt./100 gal.

6/22/2017

FUSILADE DX @ 6 oz. + ROUNDUP WEATHERMAX @ 32 oz. +

27 - 0 - 0 - 1 @ 1 gal./ac. + NIS @ 1 qt./100 gal. + AMS @ 1 qt./100 gal.

7/21/2017

AT PLANTING NO STARTER	FOLIAR	MOISTURE	AVERAGE BUSHELS PER ACRE
NUTRIPLANT SD @ 4 oz./100 lbs. APPLIED TO SEEDS	NO FOLIAR	16.3	51.4
	NUTRIPLANT AG @ 16 fl. oz./ac. applied 6/27/2017 & 7/23/2017	12.9	58.2
	NUTRIPLANT AG @ 16 fl. oz./ac. applied 7/23/2017	17.1	54.1
NUTRIPLANT SL @ 2 fl. oz./100 lbs. APPLIED TO SEEDS	NO FOLIAR	13.1	63.9
	NUTRIPLANT AG @ 16 fl. oz./ac. applied 6/27/2017 & 7/23/2017	13.3	67.2
	NUTRIPLANT AG @ 16 fl. oz./ac. applied 7/23/2017	17.1	66.4
NUTRIPLANT SL @ 4 fl. oz./ac. in 4 gal. of WATER applied IN-FURROW	NO FOLIAR	13.6	65.5
	NUTRIPLANT AG @ 16 fl. oz./ac. applied 6/27/2017 & 7/23/2017	12.5	74.2
	NUTRIPLANT AG @ 16 fl. oz./ac. applied 7/23/2017	15.1	69.9
NO TREATMENTS AT PLANTING	NUTRIPLANT AG @ 16 fl. oz./ac. applied 7/23/2017	16.9	58.4
CONTROL	NO FOLIAR	15.1	47.8

Weather, daytime temperatures and other factors affect data results, as in any year. We strive to record and control these factors where possible. Not all of these factors are measurable or recognized.

Exhibit

B



IRRIGATED CORN TRIALS

FARMREIGN PRECISION PLANTER PLANTING DATE: 5/8/2017

HARVEST DATE: 11/1/2017

FIELD: B SE 1/4
 VARIETY: LG 5618 STX RIB
 POPULATION: 34K

APPLICATION DATE

<u>DMI STRIP-TILL:</u>	(Analysis) 9.6 - 17 - 3s applied 10 gal./ac. @ 4" and 13 gal./ac. @ 10"	3/23/2017
2x2 STARTER FERTILIZER:	(Analysis) 16 - 9 - 0 - 3 s - .1 Zn @ 18 gal./ac.	5/8/2017
<u>THROUGH REINKE SPRINKLER:</u>	28 - 0 - 0 - 5 @ 4 gal./ac.	5/29/2017
	28 - 0 - 0 - 5 @ 6 gal./ac.	6/15/2017
	28 - 0 - 0 - 5 @ 6 gal./ac.	6/20/2017
	28 - 0 - 0 - 5 @ 6 gal./ac.	6/28/2017
	28 - 0 - 0 - 5 @ 6 gal./ac.	7/2/2017
	28 - 0 - 0 - 5 @ 6 gal./ac.	7/6/2017
	28 - 0 - 0 - 5 @ 6 gal./ac.	7/12/2017
	28 - 0 - 0 - 5 @ 6 gal./ac.	7/17/2017
	28 - 0 - 0 - 5 @ 4 gal./ac.	7/22/2017
	OBERON @ 5 oz./ac. (Miticide Application)	7/25/2017

APPLIED WATER: 13.00 inches RAINFALL: 14.44 inches

RAINFALL by Month: May = 2.22", June = 2.74", July = 4.3", August = 2.58", September = 2.07", October = .53"

GROUND SPRAY APPLICATIONS: ACURON @ 1.5 qt./ac. +
 ROUNDUP WEATHERMAX @ 32 oz./ac. +
 NIS @ 1 qt./100 gal. + AMS @ 1 qt./100 gal. 5/17/2017

HALEX GT @ 2.6 pt./ac. +
 ROUNDUP WEATHERMAX @ 32 oz./ac. +
 NIS @ 1 qt./100 gal. + AMS @ 1 qt./100 gal. 6/6/2017

PROTOCOL	MOISTURE	AVERAGE BUSHELS PER ACRE
NUTRIPLANT SD @ 8 oz./100 lbs. APPLIED TO SEEDS + STANDARD IRF 2 x 2	20.1	259.7
NUTRIPLANT SL @ 4 fl. oz./100 lbs. APPLIED TO SEEDS + STANDARD IRF 2 x 2	17.0	272.9
NUTRIPLANT SL @ 8 fl. oz./ac. in 4 gal. of WATER APPLIED IN-FURROW + STANDARD IRF 2 x 2	17.5	267.3
NUTRIPLANT SD @ 8 oz./100 lbs. APPLIED TO SEEDS + STANDARD IRF 2 x 2 FOLIAR NUTRIPLANT AG @ 16 fl. oz./ac. APPLIED 6/27/2017	18.0	275.5
NUTRIPLANT SL @ 4 fl. oz./100 lbs. APPLIED TO SEEDS + STANDARD IRF 2 x 2 FOLIAR NUTRIPLANT AG @ 16 fl. oz./ac. APPLIED 6/27/2017	20.0	257.0
CONTROL STANDARD IRF 2 x 2	17.3	249.0

Weather, daytime temperatures and other factors affect data results, as in any year. We strive to record and control these factors where possible. Not all of these factors are measurable or recognized.

O'Fallon, MO 63368

Due by: 01/15/2020

Yield Nation

Sales Rep: Ben Buckwalter

Phone: [REDACTED]

Email: [REDACTED]

YIELDNATION.COM

Sale To: Josh Leumke

Dahlgren, IL 62828
(618) 924-0596Check #
7115
Farm Fertilizer

Exhibit

C



Ensure maximum crop yield
with this liquid foliar
nutritional supplement.

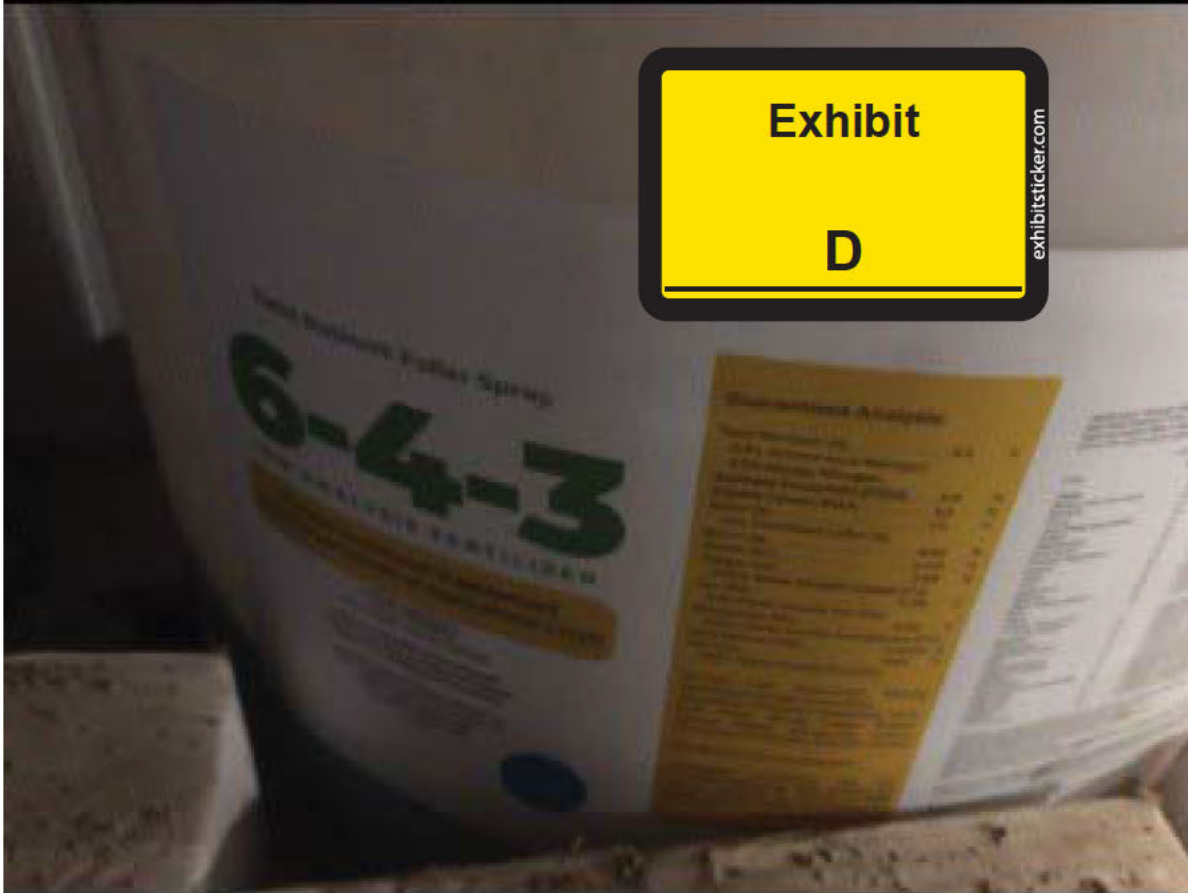
Provide essential nutrients which activate
crucial enzymes that optimize metabolic
pathways necessary for proper seedling
growth and enhanced vigor.

For better weed control, for hard-
to- penetrate soils, for many
farming applications.

PAYMENT METHOD		DATE OF SALE	MISC.		
Check		11/10/19	Receipt # 1338045C		
QTY	ITEM	DESCRIPTION	UNIT PRICE	DISCOUNT	LINE TOTAL
1	25 lb	Root Enhancement	\$2.90/acre		\$695
1	30 gal.	Organic Foliar	\$12.00/acre	-\$2.20/acre	\$2350
			TOTAL DISCOUNT		
			SUBTOTAL		
			SALES TAX		
			TOTAL \$3045		

Please make check payable to Yield Nation

Thank you for your business!



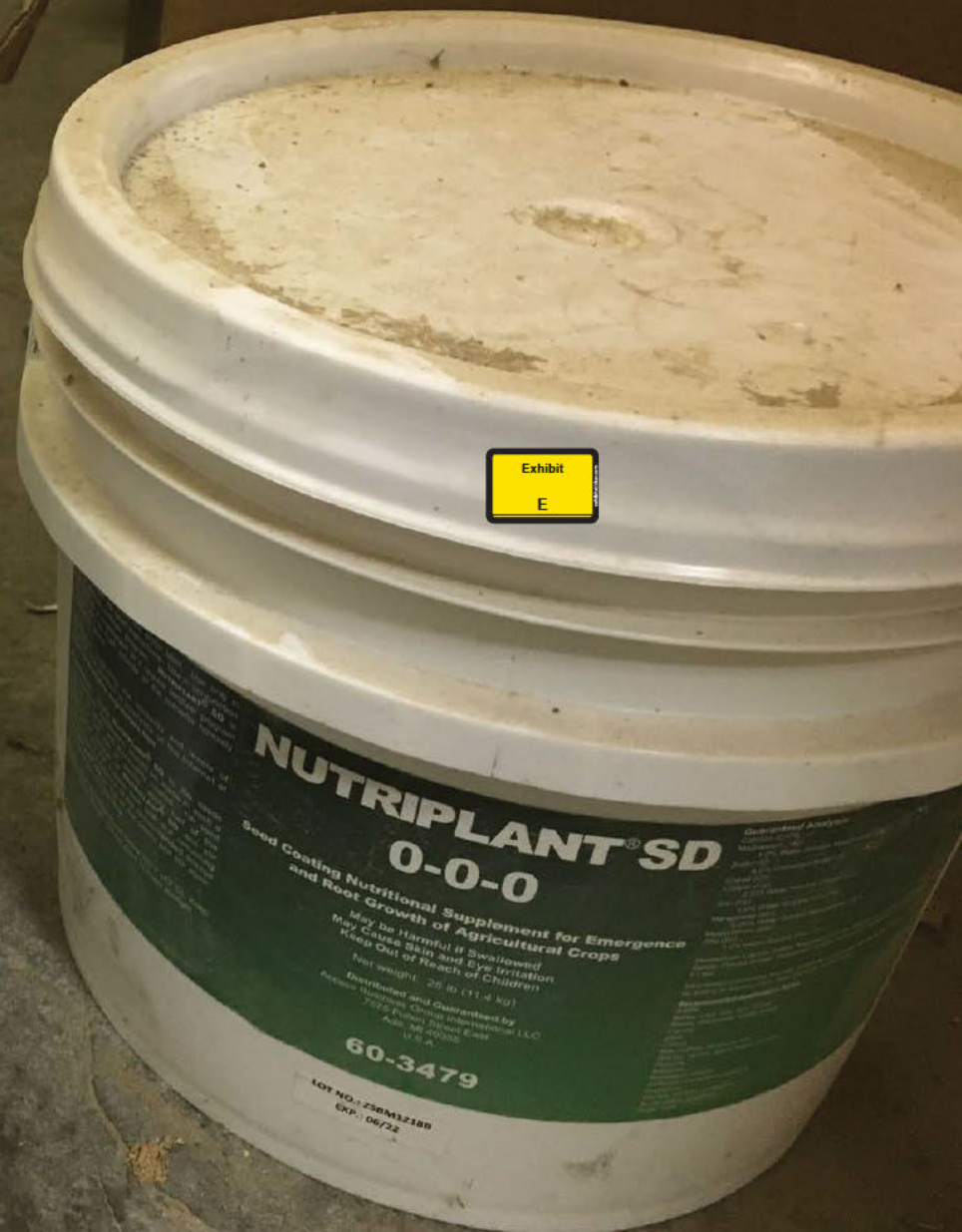


Exhibit
E